

Remarks

Claims 1-22 are pending in the subject application and currently stand rejected. Claims 1, 2, 11, 15, 16, and 19 are amended herein; claims 17 and 20 are cancelled; and new claim 23 is added. No new matter is presented. Upon entry of this Amendment, claims 1-16, 18-19, and 21-23 will be before the Examiner. Favorable consideration of the pending claims is respectfully requested in view of the following remarks.

Applicants wish to extend their gratitude to Examiner Jackson for the courtesies extended in granting and conducting a telephonic interview of this application on February 19, 2009. The above amendment to claim 1 was discussed during the interview. This amendment does not affect the scope of claim 1 at all, but rather is intended to clarify claim 1 by breaking the final clause of the claim into two clauses, emphasizing that adjusting the angular orientation of the lateralization member against the supporting member is sufficient by itself to alter the lateralization effect.

Claim 11 has been amended to change its dependency from claim 4 to claim 2, and claim 2 has been amended to provide antecedent basis for claim 11. This part of the amendment was not discussed during the interview. Claim 11 has also been amended to clarify that there are more interference fittings on the inner wall of the lateralization member than there are complementary interference fittings on the outer wall of the supporting member. This part of the amendment was discussed during the interview. The scope of claim 11 is not narrowed by this amendment.

Claim 15 has been amended to correct a grammatical error. This amendment was not discussed during the interview, and it does not narrow the scope of the claim.

Claim 16 has been amended in the same fashion as the above amendment to claim 1. Amending claim 16 was not specifically discussed in the interview, but the substance of the amendment was discussed in the context of claim 1.

Claim 17 is cancelled herein, without prejudice, to reduce the need for excess claim fees. As it merely recited an intended use of the device of claim 16, cancelling claim 17 has no effect on the scope of protection sought by Applicants in the current set of claims.

The amendment to claim 19 herein was not discussed during the interview. Claim 19 has been amended to eliminate an unnecessarily limiting feature, to incorporate a reference to the

lateralization device of claim 1, and to incorporate limitations of claims 17 and 20. Accordingly, claim 20 has been cancelled herein as no longer necessary.

New claim 23 was not discussed during the interview. It depends from claim 9, and adds a limitation corresponding to that recited in claim 11, which was discussed during the interview. The following remarks accurately embody the substance of discussions that took place during the February 19, 2009, telephonic interview regarding this application.

Claims 1-7, 9-12, 14, and 19-20 stand rejected under §102(b) as anticipated by Kurland '482 for reasons set forth at pages 3-4 of the latest Office Action. Applicants respectfully request reconsideration. Claim 20 has been cancelled herein and thus the rejection is moot as to that claim. The remaining claims are all ultimately dependent from claim 1, and thus contain the significant element of a lateralization member whose angular orientation is adjustable against a supporting member, wherein adjustment of that angular orientation against the supporting member is sufficient to alter the lateralization effect provided by the device. As discussed during the recent telephonic interview, Kurland '482 fails to teach or suggest this element of the pending claims. Rather, as the Examiner has recognized at page 3 of the Office Action, Kurland's lateralization effect "varies in different lateral directions via moving the lateralization device (fig. 1) along the lateral slot (19)." Because Kurland fails to teach or suggest the element of altering lateralization effect by merely adjusting the angular orientation of the lateralization member against the supporting member, an element that is essential to the pending claims, Kurland '482 cannot anticipate the claims. Accordingly, Applicants respectfully request withdrawal of this rejection.

Next, claims 8, 13, and 16-18 stand rejected under §103(a) as unpatentable over Kurland '482 in view of Kostich '949 for reasons set forth at pages 4-5 of the latest Office Action. Applicants respectfully traverse. Claim 17 has been cancelled herein and thus the rejection is moot as to that claim. Remaining claims 8, 13, 16, and 18 all contain the essential element, discussed above in connection with claim 1, that angular orientation of the lateralization member against the supporting member is adjustable, and mere adjustment of the angular orientation of the lateralization member is sufficient to alter the lateralization effect. In this respect, the shortcomings of the primary reference, Kurland '482, have been detailed above. The secondary reference, Kostich '949, fails to cure this deficiency. The Office Action cites Kostich as teaching "a positioning device (110) comprising

eccentric cylindrical members (144)." Applicants initially reassert and incorporate by reference as if fully set forth herein their arguments set forth in their previous Response filed September 3, 2008, regarding the deficiencies of Kostich '949 and the lack of motivation to combine the handgrips of Kostich with the lateralization device of Kurland. Further, importantly, each of claims 8, 13, 16, and 18 contain the limitation that the lateralization member comprises a cylindrical member having a "substantially circular cross-section" (claims 8 and 13) or a "substantially circular cylindrical circumference" (claims 16 and 18), which is in direct contrast to the "eccentric cylindrical members (144)" of Kostich. Accordingly, Kostich fails to suggest the limitations of claims 8, 13, 16, and 18, and fails to cure the deficiencies of the primary reference, Kurland '482. Therefore, no *prima facie* case of obviousness has been set forth. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants respectfully traverse the §103(a) rejection of claim 15 over Kurland '482 in view of Spetzler '453 set forth at page 5 of the Office Action. Claim 15 depends from claim 1. The deficiencies of Kurland with respect to claim 1 have been recited herein above and apply equally to this claim. Spetzler discloses a protective drape, but otherwise fails to cure these deficiencies. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim 21 stands rejected under §103(a) as unpatentable over Kurland '482 in view of Roberts '802 for reasons set forth at pages 5-6 of the Office Action. Applicants respectfully traverse. Claim 21 depends from claim 1. The deficiencies of Kurland with respect to claim 1 have been addressed herein above and apply equally to this claim. Roberts discloses an outer encasement, but otherwise fails to cure the deficiencies of the primary reference. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Finally, claim 22 stands rejected under §103(a) as unpatentable over Kurland/Kostich, and further in view of Roberts '802. Claim 22 depends from claim 16. The deficiencies of Kurland/Kostich have been discussed herein above with respect to claim 16, and apply equally here. Roberts '802 fails to cure these deficiencies. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

In view of the foregoing remarks, Applicants believe that the claims as currently pending are in condition for allowance, and such action is respectfully requested.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



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